

*Miami-Dade County Board of County Commissioners*

*Office of the Commission Auditor*

**Legislative Analysis**

**Board of County Commissioners**

Tuesday, March 1, 2005  
9:30 AM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 250  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor  
Legislative Analysis**

**Board of County Commissioners Meeting Agenda  
March 1, 2005**

A written analysis for the below items are attached for your consideration. If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

**Item Numbers**

4(N)	7(G)(1)(A)
4(P)	7(G)(1)(B)
4(Q)	7(J)(1)(A)
4(S) / 4(T)	7(J)(1)(C)
4(U)	7(M)(1)(A) / 7(A)(1)(B)
6(A)	8(I)(1)(A)
6(E)	10(A)(2)
7(C)(1)(A)	10(A)(3)
7(E)(1)(A)	11(B)(2) / 13(N)
7(E)(1)(B)	

**Acknowledgements--Analyses prepared by:**

Gary Collins, Acting Chief Legislative Analyst  
Tim Gomez, Senior Legislative Analyst  
Bia Marsellos, Legislative Analyst  
Carolyn Martin, Associate Auditor  
Jason Smith, Legislative Analyst  
Troy Wallace, Legislative Analyst

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY FLORIDA GENERAL OBLIGATION BONDS IN MORE THAN ONE SERIES AND FROM TIME TO TIME IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,925,750,000 FOR BUILDING BETTER COMMUNITIES BOND PROGRAM PURSUANT TO RESOLUTIONS NO. R-912-04, NO. 913-04, NO. 914-04, NO. 915-04, NO. 916-04, NO. 917-04, NO. 918-04, AND NO. 919-04 AND A SPECIAL BOND ELECTION HELD ON NOVEMBER 2, 2004; PROVIDING THAT SUCH GENERAL OBLIGATIONS OF COUNTY TO WHICH COUNTY'S FULL FAITH, CREDIT AND TAXING POWER SHALL BE IRREVOCABLY PLEDGED; APPROVING CERTAIN PROVISIONS FOR BONDS INCLUDING METHOD OF PAYMENT, REDEMPTION, TAX COVENANTS AND BOND FORM; PROVIDING FOR DETERMINATION IN SERIES RESOLUTIONS OF SPECIFIC TERMS, MATURITIES, INTEREST RATES AND OTHER DETAILS, INCLUDING AUTHORIZED PROJECTS TO BE FUNDED, FOR EACH SERIES OF BONDS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE*

Finance Department

### I. SUMMARY

This proposed ordinance authorizes issuance of general obligation bonds of various series periodically for the Building Better Communities Bond Program in an aggregate principle amount not to exceed \$2,925,725,000. It also approves certain general provisions and tax covenants for the bonds and provides the terms, maturities, interest rates and other details, including specific projects to be funded for each series.

### II. PRESENT SITUATION

On July 20, 2004, the Board adopted eight resolutions proposing eight separate obligation bond questions as listed below. Voters subsequently approved all eight in the November 2, 2004 election.

Resolution	Question	Bond Max.
R-912-04	Construct/Improve water, sewer, flood control systems	\$378,183 Mil.
R-913-04	Construct/Improve park and recreational facilities	\$680,258 Mil.
R-914-04	Construct/Improve bridges, public infrastructure, etc.	\$352,182 Mil.
R-915-04	Construct/Improve public safety facilities	\$341,087 Mil.
R-916-04	Construct/Improve emergency and health care facilities	\$171,281 Mil.
R-917-04	Construct/Improve public services and outreach facilities	\$255,070 Mil.
R-918-04	Construct/Improve houses for elderly/families	\$194,997 Mil.
R-919-04	Construct/Improve cultural, library, educational facilities	\$552,692 Mil.
	Total	<u>\$2,925,750 Bil.</u>

BCC ITEM 4(N)  
March 1, 2005

### III. POLICY CHANGE AND IMPLICATIONS

The Board's approval of this proposed Ordinance would authorize the issuance of the general obligation bonds in an aggregate amount not to exceed \$2,925,750,000, which represents the aggregate principal amount of bonds approved by the voters in November 2004.

### IV. ECONOMIC IMPACT

Up to \$2,925,750,000 in general obligation bond debt secured by the full faith and credit of the County.

### V. COMMENTS AND QUESTIONS

None.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE PROVIDING FOR ISSUANCE FROM TIME TO TIME OF VARIOUS SERIES OF MIAMI-DADE COUNTY FLORIDA PUBLIC FACILITIES REVENUE BONDS (JACKSON HEALTH SYSTEM), PROVIDING THAT SUCH BONDS SHALL BE PAYABLE FROM GROSS REVENUES OF PUBLIC HEALTH TRUST, PROVIDING COVENANTS WITH RESPECT TO SUCH BONDS, INCLUDING COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF COUNTY AMOUNTS AS MAY BE NECESSARY TO REPLENISH DEFICIENCIES IN DEBT SERVICE RESERVE FUND, AUTHORIZING ISSUANCE OF SUCH BONDS IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000,000 IN ONE OR MORE SERIES, FOR PURPOSES OF REFUNDING, TOGETHER WITH OTHER AVAILABLE FUNDS OF PUBLIC HEALTH TRUST, CERTAIN OUTSTANDING MIAMI-DADE COUNTY, FLORIDA PUBLIC FACILITIES REVENUE BONDS,, PAYING OR REIMBURSING PUBLIC HEALTH TRUST FOR COSTS OF CERTAIN CAPITAL ADDITIONS TO PUBLIC HEALTH TRUST FACILITIES, FUNDING DEBT SERVICE RESERVE FUND AND PAYING COSTS OF ISSUANCE, INCLUDING COSTS OF CREDIT FACILITY AND RESERVE FACILITY, IF ANY; PROVIDING FOR ESTABLISHMENT BY SUBSEQUENT RESOLUTION OF TERMS, MATURITIES, INTEREST RATES, AND OTHER DETAILS OF BONDS INCLUDING, WITHOUT LIMITATION, FORMS OF DOCUMENTATION NECESSARY FOR ISSUANCE OF BONDS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE*

Finance Department

**I. SUMMARY**

This proposed Ordinance (Master Ordinance) would authorize issuance, in one or more Series, of Public Facilities Revenue Bonds (Jackson Health Systems) in aggregate not to exceed \$300 million (Series 2005).

**II. PRESENT SITUATION**

The Series 2005 Bonds will be issued to pay all or a portion of the costs of the 2005 Project and to refund, with other available moneys of the Trust, all of the outstanding Prior Bonds. In addition, the Series 2005 Bonds will provide funding of a Debt Service Reserve Fund, and paying the costs of issuance of the Series 2005 Bonds, including the costs of a Credit Facility and a Reserve Account Credit Facility, if necessary.

**III. POLICY CHANGE AND IMPLICATIONS**

The Board's approval of the proposed Master Ordinance would: authorize the issuance of Public Facilities Revenue Bonds; provide added security in the form of a County covenant to annually budget and appropriate from legally available non ad valorem revenues; and provide funds necessary to replenish any draws in the Debt Service Reserve Fund.

## **BCC ITEM 4(P)**

**March 1, 2005**

The following funds and accounts are established relating to the issuance and redemption of these Bonds:

- 1) Trust Revenue Account—All proceeds of rates, fees and charges deposited in a single account held in trust by the County to provide cash required in each of the funds, accounts, and subaccounts established pursuant to this Master Ordinance.
- 2) Debt Service Fund—Moneys to pay the principal of Bonds as they mature and the interest on the Bonds as it becomes payable.
- 3) Sinking Fund Account—Within the Debt Service Fund, holds moneys for the purchase and redemption of Bonds.
- 4) Debt Service Reserve Fund—Moneys to make up any deficiencies in the Debt Service Fund including any mandatory Sinking Fund Account.
- 5) Additional County Covenant—Requires funds in annual County budget established by amendment, if necessary, to replenish the Debt Service Reserve Fund using non ad valorem revenues or funds in the event of any deficiency in the Debt Service Reserve Fund. [Note: The proposed MOU in Item 7(E)(1)(B) reduces the potential for the County Covenant to impact the County budget.]

## **IV. ECONOMIC IMPACT**

The Series 2005 Bonds shall be special obligation of the County, payable solely from Gross Revenues of the Trust as provided in the Master Ordinance and, to the limited extent not to exceed \$300,000,000.

## **V. COMMENTS AND QUESTIONS**

None.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION PROVIDING FOR ISSUANCE OF NOT TO EXCEED \$300,000,000 OF MIAMI-DADE COUNTY, FLORIDA PUBLIC FACILITIES REVENUE BONDS (JACKSON HEALTH SYSTEM), IN ONE OR MORE SERIES, FOR PURPOSES OF REFUNDING CERTAIN OUTSTANDING MIAMI-DADE COUNTY, FLORIDA PUBLIC FACILITIES REVENUE BONDS AND PAYING OR REIMBURSING PUBLIC HEALTH TRUST FOR COSTS OF CERTAIN CAPITAL ADDITIONS TO PUBLIC HEALTH TRUST FACILITIES; PROVIDING FOR FUNDING OF DEBT SERVICE RESERVE FUND AND PAYING COSTS OF ISSUANCE; APPROVING 2005 PROJECT; APPROVING FORM OF BONDS; CREATING CERTAIN ACCOUNTS FOR BONDS; DELEGATING TO FINANCE DIRECTOR AUTHORITY TO DETERMINE AMOUNTS, DATES, MATURITIES, SINKING FUND INSTALLMENTS, REDEMPTION PROVISIONS, INTEREST RATE PERIODS, AND CERTAIN OTHER DETAILS RELATING TO SUCH BONDS AND TO NEGOTIATE CREDIT ENHANCEMENT AND RESERVE FACILITIES FOR SUCH BONDS; APPOINTING OR PROVIDING FOR APPOINTMENT OF AUCTION AGENT, TENDER AGENT, REMARKETING AGENT, BROKER-DEALER, ESCROW AGENT AND PAYING AGENT AND REGISTRAR; PROVIDING FOR BOOK-ENTRY SYSTEM; FINDING NECESSITY FOR NEGOTIATED SALE AND AWARDED BONDS TO UNDERWRITERS; APPROVING FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF BOND PURCHASE AGREEMENT, ESCROW DEPOSIT AGREEMENT, BROKER-DEALER AGREEMENT, AUCTION AGENT AGREEMENT AND CERTAIN OTHER AGREEMENTS; APPROVING FORM OF AND AUTHORIZING DISTRIBUTION OF PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT; APPROVING AFTER PUBLIC HEARING ISSUANCE OF BONDS WITHIN MEANING OF SECTION 147(f) OF INTERNAL REVENUE CODE; PROVIDING FOR CONTINUING DISCLOSURE; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF SAID BONDS; AND PROVIDING FOR SEVERABILITY

Finance Department

I. SUMMARY

This proposed resolution authorizes issuance and negotiated sale of \$300,000,000 (Series 2005) Public Facilities Revenue Bonds (Jackson Health Systems). The Series 2005 Bonds are expected to be issued in April 2005.

II. PRESENT SITUATION

The Series 2005 Bonds will be a special limited obligation of the County payable solely from and secured by a pledge of the Pledged Revenue of the Trust as provided in the Master Ordinance. The Master Ordinance, Items 4(P) on this BCC Agenda, authorizes the issuance of Public Facilities Revenue Bonds in one or more Series and provides added security in the form of a County Covenant to annually budget and appropriate from legally available non ad valorem revenues, funds necessary to replenish any draws in the Debt Service Reserve Fund. Item 7(E)(1)(B), on this BCC Agenda, provides an MOU to limit the potential for the County Covenant to negatively impact the County's budget.

March 1, 2005

### III. POLICY CHANGE AND IMPLICATIONS

The Board's approval of this proposed Series Resolution would authorize the issuance and sale of Series 2005 bonds in the aggregate principal amount not to exceed \$300,000,000 and the bonds would be issued for the purpose of:

- a) Refunding, together with other available moneys of the Public Health Trust, the Prior Bonds
- b) Providing proceeds, together with other available moneys of the Trust, paying or reimbursing the costs of the 2005 Project
- c) Providing for funding of a Debt Service Reserve Fund and,
- d) Paying the cost of issuance of the Series 2005 Bonds.

The Series Resolution delegates and authorizes the Finance Director to:

- a) Issue the Series 2005 Bonds as fixed rate bonds or auction rate bonds or a combination of each with maturity dates not to exceed 40 years
- b) Determine amounts, dates, maturities, sinking fund installments redemption provisions, series amounts and certain other related details
- c) Negotiate and obtain bond insurance and a reserve account credit facility deemed appropriate and in the best interest of the County
- d) Award the Series 2005 Bond to J.P. Morgan Securities Inc. provided that true interest cost of bonds issued does not exceed 6.00% and the interest rate at an Auction Rate Securities (ARS) shall not exceed 5.00% per annum upon their original issuance and delivery
- e) Execute and deliver Bond Purchase Agreement to the Underwriters
- f) Prepare, distribute and permit the use of the Preliminary Official Statement and permit the distribution of the final Official Statement
- g) Select and appoint, a Bond Registrar and Paying Agent
- h) Appoint an Auction Agent, a Broker-Dealer and other agents when Series 2005
- i) Approve use of an Escrow Deposit Agreement

The Series Resolution further provides for: the Bond form, the use of Book-Entry-Only System for of registration, Continuing Disclosure Commitment, and the appropriate officials of the County to take all actions necessary with the issuance of the Series 2005 Bonds.

### IV. ECONOMIC IMPACT

The Series 2005 Bonds shall be special obligation of the County, payable solely from Gross Revenues of the Trust as provided in the Master Ordinance and, to the limited extent not to exceed \$300,000,000.

### V. COMMENTS AND QUESTIONS

None.



## LEGISLATIVE ANALYSIS

*ITEM 4(S) RESOLUTION ACCEPTING THE FINDING OF NECESSITY STUDY FOR THE GOULDS/CUTLER RIDGE AREA AND APPROVING THE PREPARATION OF A COMMUNITY REDEVELOPMENT PLAN.*

Office of Community and Economic Development

*ITEM 4(T) RESOLUTION ACCEPTING THE FINDING OF NECESSITY STUDY FOR THE WEST PERRINE AREA AND APPROVING THE PREPARATION OF A COMMUNITY REVELOPMENT PLAN.*

Office of Community and Economic Development

### I. SUMMARY

The Board of County Commissioners (BCC) directed the County Manager in July 2004 to prepare a Finding of Necessity study as required by the Community Redevelopment Act of 1969 (the "Act") for the following areas:

- **Goulds/Cutler Ridge**
- **West Perrine Area**
- Miami-Dade County Procurement issued a contract to Curtis & Kimball to prepare the aforementioned study
- The study concluded that slum and blight do exist in these areas

### II. PRESENT SITUATION

The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas. The purpose of these redevelopment projects is to prevent and possible eliminate the development of slum and blighted areas.

The Act also authorizes the County to delegate redevelopment after a finding has been made determining that slum or blight exists, according to the Finding of Necessity study:

- **Goulds/Cutler Ridge** area slum and blight exists in the form of inadequate street layout, unsanitary and unsafe conditions, & deterioration within the defined area.
- **West Perrine** area slum and blight exists in the form of inadequate street layout, parking facilities, roadways, bridges or public transportation facilities; faulty lot layout in relation to size, adequacy, accessibility or usefulness; unsanitary and unsafe conditions; deterioration of site or other improvements.

### III. POLICY CHANGE AND IMPLICATION

In order for the County to proceed with Community Redevelopment, the Board must adopt each of the Findings of Necessity Reports and approve the respective Community Redevelopment Plans.

#### IV. ECONOMIC IMPACT

Miami-Dade County staff has reviewed the reports and submitted them to the Tax Increment Financing and Coordination Committee for further review. On January 4, 2005, the County's Tax Increment and Financing Coordination Committee reviewed the Finding and Necessity reports and recommended its acceptance by the Board.

- The only revision recommended by the Committee was a revision in the **Goulds/Cutler Ridge** report limiting the southernmost boundary to SW 232<sup>nd</sup> Street as opposed to SW 248<sup>th</sup> Street.

#### V. COMMENTS AND QUESTIONS

This item incorporates the **Goulds/Cutler Ridge** southern boundary changes suggested by the County's Tax Increment and Financing Coordination Committee.

## LEGISLATIVE ANALYSIS

### *RESOLUTION DECLARING CERTAIN AREAS OF THE CITY OF MIAMI TO BE A SLUM AND BLIGHTED AREA. AND FINDING OF A NEED FOR CREATION OF A COMMUNITY REDEVELOPMENT AGENCY.*

Department of Community and Economic Development

#### I. SUMMARY

The Board of County Commissioners (BCC) in August 2004 approved an interlocal agreement between the County, the City of Miami and the Midtown Miami Community Development District (CDD). According to the agreement, the County and the City would establish a Community Redevelopment Agency (CRA) and trust fund, prior to June 30, 2005, to help further the development of the Midtown Redevelopment Area. A Finding of Necessity Report was prepared as required by the Community Redevelopment Act of 1969 (the "Act") for the **Midtown Miami Redevelopment Area**.

- The study concluded that blight does exist in the area.

#### II. PRESENT SITUATION

The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas. The purpose of these redevelopment projects is to prevent and possibly eliminate the development of slum and blighted areas.

The Act also authorizes the County to delegate redevelopment after a finding has been made determining that slum or blight exists, according to the Finding of Necessity study:

- **Midtown Miami Redevelopment Area** blight exists in the form of defective or inadequate street layouts, transportation and parking facilities, and unsanitary and unsafe conditions.

#### III. POLICY CHANGE AND IMPLICATION

In order for the County and City to proceed with Community Redevelopment, the Board must adopt the Findings of Necessity Report and approve the delegate certain redevelopment powers to the City of Miami so that the City can create a Community Redevelopment Agency for the sole purpose of creating a Redevelopment Plan.

#### IV. ECONOMIC IMPACT

The Miami-Dade County Tax and Increment Financing and Coordinating Committee have reviewed the report and support its conclusions.

#### V. COMMENTS AND QUESTIONS

None.

**LEGISLATIVE ANALYSIS**

*ORDINANCE RELATING TO RULES OF PROCEDURE*

Chairman Joe A. Martinez & Dr. Barbara Carey-Shuler

**I. SUMMARY**

This ordinance amends language governing how the Board of County conducts business.

**II. PRESENT SITUATION**

On November 5, 2002, the voters of Miami-Dade County approved certain changes to the County Charter. These changes vested certain powers with the Board of County Commissioners (Board) that previously rested with the Mayor.

Subsequent to the approval of these charter changes, the Rules of Procedure were amended to reflect the new powers of the Board.

**III. POLICY CHANGE AND IMPLICATION**

See Attachment for table comparing present and proposed rules of procedure.

**IV. ECONOMIC IMPACT**

None.

**V. COMMENTS AND QUESTIONS**

None.

**Attachment**

Rule of Procedure	Current	Proposed
Election of Commission Chairperson and Vice Chairperson	Occurs at an organizational meeting of the BCC subsequent to November elections in even numbered years. (Not specific as to when that organizational meeting should take place)	Election of Chair and Vice Chair shall take place at the meeting following the installation of
Term of Chairperson and Vice Chairperson	No specific date as to when the term commences	The Chairpersons term commences on January 1st of the year immediately following the even year elections.
Responsibilities of Sergeant-at-Arms	Shall be present at commission meeting	Shall be present at commission meetings, committee and sub-committee meetings, and community council meetings
Postponement or Cancellation of Meetings	May be canceled, or postponed by resolution or motion at a regular meeting by a majority of commissioners present	May be canceled, or postponed by resolution or motion at a regular meeting by a majority of commissioners present (or by signature of the Chairperson and at least 6 other commissioners serving notice to the clerk, who shall provide public notice of the cancellation
Special Meetings	May be called by a majority of the members of the commission, via signature, and shall be served upon the clerk. The clerk may provide written or verbal notice to all county commissioners	Signatures must also be provided to the Chairperson. The clerk shall provide written and verbal notice to each commissioner's office.

Attachment

Rule of Procedure	Current	Proposed
Signature Requirements	No specific criteria	Acceptable forms are: Actual Signature of Commissioner, A Facsimile of the Commissioners Signature, and/or a Stamp of the Commissioners signature provided only by a staff person as authorized by the commissioner via written authorization on file with the Chairperson and County Attorney
Committee and Commission Agendas	The County Manager and County Attorney, in consultation with the Chairperson shall assign all items to the appropriate committee	The County Chairperson, in consultation with the County Manager and County Attorney, shall assign all items to the appropriate committee
Committee and Commission Agendas	The County Manager and County Attorney, in consultation with the Chairperson shall assign all items previously heard in committee to the next available commission agenda	The County Chairperson, in consultation with the County Manager and County Attorney, shall assign all items previously heard in committee to the appropriate commission agenda
Committee Consideration	Except as otherwise provided...no item shall be placed on a commission agenda or considered by the county commission, unless at least one committee has taken action regarding the item	Except as otherwise provided...no item shall be placed on a commission agenda or considered by the county commission, unless each committee to which the item has been referred has forwarded the item
Three (3) Day Rule	A copy of each agenda item shall be furnished to the members of each committee no later than 3 working days before a vote may be called on the item	A copy of each agenda item shall be furnished to the members of each committee and subcommittee no later than 3 working days before a vote may be called on the item
AGENDA -Order of Business		Items by the Commission Auditor and Office of Intergovernmental Affairs shall be included in Section 1

**Attachment**

Rule of Procedure	Current	Proposed
AGENDA -Order of Business		Section 4 shall contain Ordinances for first reading (all subsequent sections shall be renumbered accordingly)
AGENDA -Order of Business		Section 14 shall contain items subject to the "4 day rule" (all subsequent sections shall be renumbered accordingly)
Approval by County Attorney		The County Attorney shall communicate with a designated staff person from each commissioner's office regarding the preparation and tracking of agenda items
Statement of private sector impact		At the request of any commissioner at the first reading of any ordinance that regulates private business, land development or building code standards, the County Manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance on the private business sector. No ordinance regulating private business land development or building code standards shall be considered on second reading if the requested statement of fiscal impact on private business is not submitted with the ordinance as part of the agenda.

## LEGISLATIVE ANALYSIS

### *REVISIONS TO THE REGULATIONS GOVERNING MOVING COMPANIES*

Consumer Services Department

#### I. SUMMARY

- Revises Chapter 8A, Article XVI (Moving Ordinance) of the Code of Miami-Dade County to be consistent with state law changes that occurred in 2002.
- State law has already governed moving companies since the changes in 2002.
- The main revisions are as follows:
  - Removal of a 72-hour exemption in providing written notice for moving services
  - Removal of 10% allowance for changes over the written estimate
  - Permits the Consumer Services Department to enter into cooperative agreements with the Florida Department of Agriculture for the referral, investigation and prosecution of complaints under State statute.

#### II. PRESENT SITUATION

- The State Law governing intrastate moving was signed by the Governor in April 2002 and became effective July 1, 2002.
- The State Law changes made regulations governing moving companies stricter than what were the County's regulations.
- Broward County has already revised its Code to mirror State Law and Palm Beach is in the process of doing the same so that moving regulations are fairly similar throughout the tri-county area.

#### III. POLICY CHANGE AND IMPLICATION

- The proposed changes are to make the County's Code consistent with State Law. Since State Law supercedes the County's, these regulations have already been in effect and enforced.

#### IV. ECONOMIC IMPACT

- There is no additional cost to the County, as these regulations are already in effect.
- The staff dedicated to the enforcement of this ordinance is as follows:
  - One-fourth of a Licensing Clerk's time spent on licensing enforcement.
  - One-half of an Enforcement Officer's time spent on moving enforcement.



**BCC ITEM 6(E)****March 1, 2005**

- o Mediation Center Enforcement Officers mediate complaints and handle inquiries from consumers regarding their rights and moving company complaint histories.

**V. COMMENTS AND QUESTIONS**

Below is a summary of registered moving companies vs. the number of complaints.  
(tallies of registered moving companies are only available for the past three years)

Year	# of Registered Moving Companies	# of Complaints
2004	154	47
2003	141	44
2002	126	84
2001	n/a	74
2000	n/a	64
1999	n/a	97
1998	n/a	92
1997	n/a	108
1996	n/a	47

The Moving Ordinance was amended in 2001 to require movers to provide consumers with a statement regarding their rights (i.e. "disclosure statement"). The statement was a collaboration between Miami-Dade, Broward and Palm Beach Counties to maintain consistency between counties. The disclosure must be provided at the time of the written estimate. (see attached)

County Moving Ordinance		
	Proposed Ordinance	Current Ordinance
Written Estimates	Written estimate is required for every move, regardless of when move is scheduled.	Mover is required to provide a written estimate to consumer except in cases where the request for moving services is made within 72-hours of the scheduled move.
Charges to Consumers	Mover cannot charge above written estimate, unless a customer requests additional services, in which case a new contract for additional services is required.	Mover may charge the consumer 10% above written estimate.
Cooperation with State	Authorizes the Director of Consumer Services Department to enter into cooperative agreement with the Florida Department of Agriculture and Consumer Services for referral, investigation and prosecution of complaints under the State's intrastate moving statute. Agreement would be subject to approval by the Board of County Commissioners	N/A
Moving Company's Change of Ownership	New application and payment of new registration fee are required.	N/A
Moving Companies Applying for Registration	Printed copies of each document, instrument, form, contract, or other materials used by the mover with dealing with the public with respect to the shipment of household goods must be submitted to the Consumer Services Department when applying for a registration certificate.	N/A
Required text on written estimate. (Must be in bold, capital letters, at least 12 point type)	"Under County law you are entitled to a written estimate of the total cost of your move and a copy of the disclosure statement. Please review these documents to make sure they are complete."	"Under County law you are entitled to a written estimate of the total cost of your move. County Law requires that the total cost of your move not exceed the amount of your written estimate by more than 10 (ten) percent. Please review this document to make sure the estimate is complete."

Company Name stamp/imprint

Southeast Florida – Tri-County  
Standard Household Moving Company  
**Consumer Disclosure**  
Broward Miami-Dade Palm Beach

- 1) "DO NOT" sign contract if the Total cost of your move is not clearly shown. The *current* date and time must be included when you sign the contract.
- 2) "DO NOT" sign contract unless it is given to you PRIOR to wrapping, packing, or loading your goods.
- 3) "DO" get a copy of contract immediately upon signing.
- 4) **FORM OF PAYMENT** - every moving company must accept at least two of the following payment methods:

Cash (includes cashier's check, money order or traveler's check)  
Personal Check (Must show imprinted name and address)  
Credit Card (Must include but not limited to VISA or MasterCard)

- 5) **VALUATION COVERAGE** – (You have two options – Initial your choice)  
Option 1 – **Standard Valuation Coverage:** If your goods become damaged or lost, the moving company may be required to reimburse you to a maximum amount of only sixty cents (\$.60) per pound/per article, considerably less than the average value of household goods. There is no additional cost or deductible for standard coverage. (Example: If you have a 5-pound table lamp worth \$300 and it is damaged or lost, you are only entitled to a maximum reimbursement of \$3)  
Option 2 – **Additional Valuation Coverage:** Additional coverage is available to compensate you for goods lost or damaged at an amount closer to the declared or replacement value. The terms must be clearly defined in the contract you sign. There is an additional cost for this coverage. The additional coverage may contain a negotiated deductible, which is disclosed as \$ \_\_\_\_\_. If a deductible applies, you are still entitled to the standard valuation coverage of \$.60 per pound as described in Option 1 above on the deductible amount.

I understand the total moving contract is \$ \_\_\_\_\_. This includes all inventory all inventory preparation, labor, transportation, packing materials/costs, storage and any additional valuation coverage. I understand that all household goods must be delivered and unloaded when the mover is paid this amount.

Customer's Signature \_\_\_\_\_ Date \_\_\_\_\_ Time Signed \_\_\_\_\_

Mover's Signature \_\_\_\_\_ Date \_\_\_\_\_ Time Signed \_\_\_\_\_

If you have concerns about any move that began or ended in Broward, Miami-Dade or Palm Beach County and that has not been resolved by your moving company, please contact the appropriate consumer protection agency where your move ended.

County	Broward	Miami-Dade	Palm Beach
Agency Name	Consumer Affairs Div.	Consumer Services Dept.	Consumer Affairs Div.
Address	115 South Andrews Ave Annex Room A400 Fort Lauderdale, FL 33301	140 West Flagler Street Room 902 Miami, FL 33130	150 South Military Trail Suite 201 West Palm Beach, FL 33415
Phone	(954) 765-5350	(305) 375-3677	(561) 712-6600 (Main) 888-852-7362 (Boca/Glades- toll free)
Fax	(561) 765-5308	(305) 375-4120	(561) 712-6610
E-Mail	<a href="http://www.broward.org/consumer">www.broward.org/consumer</a>	<a href="http://www.miamidade.gov/csd">www.miamidade.gov/csd</a>	<a href="http://www.pbccgov.com/consumer">www.pbccgov.com/consumer</a>

This disclosure form must be provided to the customer with the written estimate. The form must be signed by the customer and the moving company prior to any work being performed. Original copy of the disclosures is to be given to the customer.

Tri-County Local Moving Consumer "Bill of Rights" on reverse page

## LOCAL MOVING CONSUMER "BILL OF RIGHTS"

Broward Miami-Dade Palm Beach

Each of the three county governments (Broward, Miami-Dade, and Palm Beach) has separate ordinances regulating moving companies. Most regulations within the three ordinances are similar, but each county is responsible for its own enforcement. The following information provides consumers with a basic understanding of their rights and responsibilities when dealing with a moving company in the tri-county area. These ordinances only regulate moves that begin and end in any of the three counties.

**Written Estimates** - Consumers anticipating a move are entitled to a detailed written estimate that includes ALL expected charges related to labor, transportation, packing, inventory, storage, and additional valuation coverage. It is important that consumers clearly designate and reveal all that is to be moved. Moving companies may charge for an estimate; however, the cost of preparing an estimate must be fully disclosed and approved by the consumer. Moving companies cannot require that the right to an estimate be waived. All three counties require the moving company to provide the consumer with a written contract (contract for services/bill of lading) containing the total cost of the move and the consumer's written authorization (including signature) prior to starting the move. A moving company cannot refuse to deliver your goods if you have paid the amount agreed in the written estimate and/or the written contract.

**Written Inventory** - Consumers have a right to a written inventory of all household goods to be moved by the moving company. The moving company may charge for the inventory. The moving company cannot require that the right to an inventory be waived, but the consumer may voluntarily waive the inventory process. All charges to complete an inventory by a moving company must conspicuously be disclosed to the consumer. In Palm Beach County a moving company must provide a "no charge" inventory when the move is not point-to-point/same day or storage is required.

**Written Contracts** - A written contract, often called a *bill of lading* or *contract for services*, is required to be prepared by the moving company and must be signed, timed and dated by the consumer (or her/his representative) and by the moving company representative before the work begins. The contract must conspicuously provide the "bottom line" cost of all charges associated with the move (i.e., inventory preparation, labor, transportation, packing materials, storage and any additional valuation coverage).

**Lost/Damage Claims** - The consumer has up to 60 days to notify the moving company in writing of any claim for loss or damage. If the claim cannot be satisfied in 30 days from date of the claim, the mover must advise the consumer of the status of the claim and the reason for the delay. The mover must satisfy or object to a claim no more than 90 days after receipt of the consumer's written notice. If asked to sign a statement acknowledging receipt of goods, consumers may make notations on the receipt as to damaged or missing items.

**Licenses/Permits** - Moving companies operating in the tri-county area are required to be licensed/permitted by their respective county government consumer agency where the mover's primary business is located and the Florida Division of Consumer Services. Consumers may call the appropriate county consumer agency to determine the current license status of any local moving company.

If a problem is unable to be resolved with a moving company, please contact the appropriate government consumer agency immediately.

The above are general descriptions of the three ordinances regulating moving companies.  
More information may be obtained by contacting your county consumer agency.

\* Contact the Palm Beach County Division of Consumer Affairs for more details regarding written inventory.

Information or complaints involving an Interstate move, call the Federal Motor Carrier Administration at 1-888-368-7238.

Information or complaints involving moves in Florida, outside the tri-county area, call the Florida Division of Consumer Services at 1-800-435-7352.

## LEGISLATIVE ANALYSIS

### *AMENDMENT TO ADMINISTRATIVE ORDER 4-107: CONSUMER SERVICES DEPARTMENT FEE SCHEDULE CONCERNING FEES FOR SHOPPING CART NOTICE EXEMPTION PETITIONS*

Department of Consumer Services

#### I. SUMMARY

This resolution amends the fee schedule of the Consumer Services Department, as defined by Administrative Order 4-107, to continue fees for petitions from store owners seeking an exemption from posting required notices on shopping carts. The amendment also locks the fees to the consumer price index after 2005.

#### II. PRESENT SITUATION

Currently, the provision in the Administrative Order 4-107 relating to petitions for exemptions for shopping cart notices was automatically repealed upon the sunseting of Ordinance 96-3, which established the program, on January 19, 2001.

However, the Board of County Commissioners recently passed an ordinance recreating Section 8A-76 which reinstates the requirement that store owners post warning notices in English and Spanish on shopping carts or in stores regarding removing shopping carts from the premises. That section also provides for a petition process for stores seeking exemption from posting the warning notices.

#### III. POLICY CHANGE AND IMPLICATION

The fee for a single store to file an exemption from posting shopping cart warning notices will be \$55. Petitions for each additional store location will be \$25. These fees are consistent with the original fee schedule established in 1996.

The fees shall be in effect through September 30, 2005. On October 1, 2005, and each Oct. 1 thereafter, the fees will be increased by the percentage increase in the Consumer Price Index during the preceding years, rounded up to the nearest \$1.

#### IV. ECONOMIC IMPACT

The amount of fees generated is contingent upon the number of store owners filing for exemption.

V. COMMENTS AND QUESTIONS

- The effective date of the original exemption was January 19, 1996. The number of requests for exemption per year was as follows *(The request for exemption is a one time occurrence, thus the reason for the small numbers in 1997 and 2001):*

1996 – 36

1997 – 1

2001 – 4

- Before a store is granted an exemption, it must have:
- barriers to prevent the removal of shopping carts, while permitting full wheelchair ingress and egress by disabled persons (examples include attaching a pole to shopping carts such that the carts cannot be wheeled through the doorway of the store or constructing concrete poles around the entrance of a store such that the space between poles is wide enough for a wheelchair, but not wide enough for a shopping cart)
  - or
  - alarm mechanisms or other security devices attached to shopping carts to prevent their removal from the property of the retail sales establishment or shopping center.

March 1, 2005

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

### *RESOLUTION EXTENDING COMMERCIAL PAPER PROGRAM AND AUTHORIZING COMMERCIAL PAPER NOTES FOR AVIATION DEPARTMENT*

Finance Department

#### **I. SUMMARY**

This resolution would allow for an extension of the existing Commercial Paper Program within the Miami-Dade Aviation Department (MDAD) until August 1, 2005.

#### **II. PRESENT SITUATION**

On July 25, 2000, the Board of County Commissioners adopted Resolution R-777-00, which authorized the County to enter into a commercial paper program (not to exceed \$400 million) as a source of short-term loan funding during the construction phase of the Aviation Capital Improvement Program (CIP).

Commercial paper is an unsecured obligation issued by a corporation, government agency or bank to finance its short-term credit needs.<sup>1</sup> A letter of credit is necessary to take out commercial paper notes (Notes) in the event that the Notes are not timely remarketed or the County is unable to issue its Aviation revenue bonds when required to repay the principal of the Notes. The current Commercial Paper Authorization Expires on August 1, 2005.

#### **III. POLICY CHANGE AND IMPLICATION**

The extension of the commercial paper program will allow MDAD to use a short term funding solution to bridge a gap in funding towards the MIA/CIP until the Department is ready to issue more bonds.

Bond Issuance and Commercial Paper Programs are common practice when undertaking large construction programs. Often proprietary departments, such as MDAD and WASD, issue bonds in order to enable themselves to undertake long term expensive projects. This practice allows the departments to put up large amount of money up front, and pay off the debt service on those bonds with fees generated within each department.

#### **IV. ECONOMIC IMPACT**

There are usually savings involved in the utilization Commercial Paper with regards to interest payments. In previous years, the County has realized better (lower) interest rates on the issuance of Commercial Paper than if the County would have financed the same amount through the issuance of bonds.

#### **V. COMMENTS AND QUESTIONS**

None.

---

<sup>1</sup> Investor Words website [www.investorwords.com](http://www.investorwords.com)

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

### *RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN COUNTY AND PUBLIC HEALTH TRUST WITH REGARD TO CERTAIN PUBLIC FACILITIES REVENUE BONDS; AND AUTHORIZING COUNTY MANAGER TO DELIVER AND EXECUTE SUCH MEMORANDUM ON BEHALF OF COUNTY*

Finance Department

#### I. SUMMARY

This resolution proposes a Memorandum of Understanding (MOU) between the Public Health Trust of Miami-Dade County (Trust) and the County with respect to the issuance of the Jackson Health System Public Facilities Revenue Bonds in an amount not to exceed \$300 million. The proposed MOU is the direct result of concerns expressed by the February 10, 2005 Internal Management on Fiscal Responsibility Committee when it considered the Ordinance and Resolution proposed as Items 4(P) and 4(Q) on today's BCC agenda.

- Staff has indicated that the Trust will consider the MOU proposal on Monday, February 28, 2005

#### II. PRESENT SITUATION

On today's agenda, items 4(P) and 4(Q) are an Ordinance and a related Resolution that authorize the issuance public facilities revenue bonds on behalf of the Trust to fund capital projects and to refund outstanding obligations (Prior Bonds). A total principal amount of \$165 million remains outstanding for the Prior Bonds. Other proceeds from the sale of the proposed bonds would go towards capital development and the costs associated with the bond issue.

#### III. POLICY CHANGE AND IMPLICATIONS

The Board's approval of the Resolution for the MOU between the Public Health Trust and the County would provide that the County will:

- Deduct from the Healthcare Tax before it is remitted to the Trust, an amount equal to the monthly debt service requirement on the Bonds and deposit the retained funds in the Debt Service Fund held by the County. (Note: The Debt Service Fund is used to pay the principal of Bonds as they mature upon surrender and the interest on Bonds it becomes payable.)



BCC ITEM 7(E)(1)(B)

March 1, 2005

#### IV. ECONOMIC IMPACT

The MOU's impact is to practically guarantee the payment of debt service on the Bonds so no draw will be necessary from the Debt Service Reserve Fund and the County Covenant will not be triggered.

#### V. COMMENTS AND QUESTIONS

If the Trust disapproves or amends the proposed MOU, the BCC could face a difficult choice between ensuring the fiscal stability of the essential County healthcare (PHT) Services or ensuring that the County budget will not be impacted.

## LEGISLATIVE ANALYSIS

*RESOLUTION APPROVING MIAMI-DADE HOUSING AGENCY'S (MDHA) ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP) AND AUTHORIZES THE MDHA DIRECTOR TO APPROVE FUTURE AMENDMENTS TO ACOP AS NECESSITATED BY REGULATORY AMENDMENTS OR COURT RULINGS*

Miami-Dade Housing Agency

### I. SUMMARY

This resolution approves revisions to the Miami-Dade Housing Agency's Admission and Continued Occupancy Policy (ACOP) for public housing and Section 8 new construction developments. It also authorizes the director to approve future changes to the ACOP necessitated by regulatory amendments and court orders.

### II. PRESENT SITUATION

On July 13, 1999, pursuant to federal regulations set by the U.S. Department of Housing and Urban Development, the Board of County Commissioners approved the ACOP to govern the MDHA tenant selection and assignment process.

During a compliance review of MDHA, HUD officials determined that the existing ACOP was deficient and failed to comply with current federal standards.

### III. POLICY CHANGE AND IMPLICATION

Proposed changes to the ACOP include:

- Names an additional Assisted Living Facility (ALF), Ward Towers, 2200 NW 54th Street.
- Establishes that elderly persons currently residing in public housing will be given first preference for admission to an ALF; those on the waiting list will be served next, then non-eligible elderly residents and applicants will be considered.
- Sets specific standards for denial of admission and termination of assistance of applicants and residents with criminal backgrounds in keeping with federal regulations.
- Revises MDHA transfer policy to include transfers related to reasonable accommodation requests from disabled residents and those seeking a transfer to an ALF.
- Brings MDHA in line with requirements of the Quality Housing and Work Responsibility Act (QWHRA).

### IV. ECONOMIC IMPACT

This item has no economic impact.

BCC ITEM 7(G)(1)(A)

March 1, 2005

V. COMMENTS AND QUESTIONS

## LEGISLATIVE ANALYSIS

*RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE A VOLUNTARY COMPLIANCE (VCA) BETWEEN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND MIAMI-DADE COUNTY ON BEHALF OF MIAMI-DADE HOUSING AGENCY TO RESOLVE OUTSTANDING AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT DEFICIENCIES; AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR ARCHITECTS, DESIGN FIRMS AND CONTRACTORS TO ACCOMPLISH GOALS OF THE VCA AND AUTHORIZING THE MIAMI-DADE BUILDING DEPARTMENT TO EXPEDITE PERMITS AND OTHER BUILDING REQUIREMENTS AND WAIVING THE SIXTY DAY RECONSIDERATION PERIOD.*

Miami-Dade Housing Agency

### I. SUMMARY

- Executes a Voluntary Compliance Agreement (VCA) between Miami-Dade County and the United States Department of Housing and Urban Development (USHUD) to bring MDHA in full compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.
- Authorizes the County Manager to advertise Request for Proposals for a surveyor, architect/design firms and contractors to do the work required by the VCA.
- Authorizes the Miami-Dade Building Department to expedite permits and other building requirements and waive the 60-day reconsideration period.

### II. PRESENT SITUATION

- A 2004 USHUD compliance review of MDHA uncovered deficiencies related to the physical accessibility of common areas and individual housing units, as well as deficiencies in MDHA's current policies and procedures.
- On July 8, 2004, USHUD issued to MDHA a preliminary Letter of Findings of Non-Compliance addressing the ADA and Section 504 deficiencies.
- During the week of November 15-19, 2004, teams from USHUD and Miami-Dade County, including the County Attorney's office, met to resolve the stated deficiencies and negotiated the terms of the VCA, in lieu of a federal lawsuit being filed against the County by the United States Department of Justice.

March 1, 2005

### III. POLICY CHANGE AND IMPLICATION

According to the VCA:

- MDHA must select and hire a VCA Administrator within 120 days of the execution of the VCA who will report to the MDHA Director to coordinate all compliance activities of the VCA.
- The County is required to hire a surveyor, architect/design firm and contractors to perform the work specified under the VCA.
- The County/MDHA shall construct or convert a minimum of 5 percent, or 478 of its 9,543 total housing units, to comply with Section 504, Title II of the ADA, the Uniform Federal Accessibility Standards (UFAS), the Fair Housing Act and the Architecture Barriers Act.
- The County/MDHA shall ensure that non-housing programs are accessible to persons with disabilities, including common areas, management and regional offices, laundry rooms, meeting rooms, and day care centers.
- The County/MDHA shall complete accessibility modifications to the MDHA Central Office, Private Rental Housing Division offices and administrative offices housing MDHA's ADA Coordinator.
- The County/MDHA must met all the terms and conditions of the VCA within six years from the date it is executed.

### IV. ECONOMIC IMPACT

The cost of the changes MDHA's facilities cannot be determined until the completion of the survey. It is expected that Capital Fund Program (CFP) funds will cover the costs associated with complying with the VCA. If CFP funds are not available, then MDHA will request USHUD to renegotiate the terms of the VCA relating to funding.

### V. COMMENTS AND QUESTIONS

If this item fails to pass, USHUD via the Department of Justice will file legal proceeding against Miami-Dade County.

## LEGISLATIVE ANALYSIS

### *EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE STATE FUNDING FOR THE INSTALLATION OF CANOPIES OVER THE ESCALATORS AND STAIRWAYS OF INNER LOOP METROMOVER STATIONS*

Miami-Dade Transit

#### I. SUMMARY

This resolution would authorize Miami-Dade Transit (MDT) to enter into a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in order to access \$1 million in funds from the Transit Urban Capital Program.

These funds will be used, in conjunction with local funding from the PTP Surtax, for the installation of canopies over the escalators and stairways at Metromover Inner Loop Stations.

#### II. PRESENT SITUATION

The State of Florida has already approved the grant for MDT upon execution of a JPA.

There are currently no canopies at these stations.

On October 7, 2003, the Board of County Commissioners approved a list of Miscellaneous Capital Improvement Projects eligible for funding from the PTP Surtax. Among the projects on this list was \$12 million for Station Refurbishments.

#### III. POLICY CHANGE AND IMPLICATION

Accessing State and Federal grants is consistent with County Policy.

The Detail provided by Miami-Dade Transit regarding "Station Refurbishments" did not include canopies at Metromover Stations. (SEE ATTACHMENT)

#### IV. ECONOMIC IMPACT

The total project cost is estimated at \$4 million.

Although this agenda item details \$1 million from PTP and \$1 million from FDOT, MDT anticipates a supplement to this JPA for FY 2005-2006 for at least another \$1 million from the PTP.

#### V. COMMENTS AND QUESTIONS

**Attachment 1:** Description of Station Refurbishments provided by MDT on October 7, 2003.

## Attachment 1

## • Station Refurbishments (\$12,000,000)

Twenty-one (21) of the existing Metrolink Stations are over 18 years old. With continuous use, high traffic, direct exposure to outdoor elements, and standard life cycle, deterioration has led to the stations being in a serious state of disrepair. For the convenience of MDT's riding public and to protect the County's large monetary investment in the stations, work to refurbish these facilities should be undertaken as soon as possible. Specifically, station equipment, air conditioning, plumbing and fire protection systems, landscaping, and other appurtenances such as tile, doors, concrete surfaces, paved areas, protection grilles, drinking fountains, etc. need to be upgraded, replaced, refurbished, renovated, or restored. Metrolink Station Refurbishing Action Plan Objectives are:

- a. Replacement of all doors that are rusting or have been damaged.
- b. Refurbishment of restroom facilities will include fixtures, tiles and associated plumbing lines in order to provide functional and pleasing environment, which meets ADA requirements.
- c. Repair all concrete, asphalt and tile surfaces within Metrolink Stations to provide a safe and level surface for pedestrian, which will also meet ADA requirements.
- d. Repair or replacement of HVAC units that provide ventilation/cooling to operational equipment.
- e. Remove and reseal all expansion joints.
- f. Repair and/or replace all skylights.
- g. Repair and/or replace all passenger benches.
- h. Repair all parking lot surfaces and repaint parking stripes.
- i. Replace all damaged metal cabinets.
- j. Coordinate the replacement of damaged station signage to provide clean and clear information to transit riders and to meet all regulatory requirements such as ADA.
- k. Repair and/or replace all station drinking fountains.

## LEGISLATIVE ANALYSIS

### *PROFESSIONAL SERVICES AGREEMENT TO PROVIDE FINAL DESIGN SERVICES FOR THE MIAMI INTERMODAL CENTER (MIC)/EARLINGTON HEIGHTS CONNECTOR, CONTRACT NO. TR05-EHT-PE*

Miami-Dade Transit

#### I. SUMMARY

This Resolution recommends the approval of a Professional Services Agreement (PSA) with URS Corporation Southern (URS) to act as consultant on the 2.6 mile MIC/Earlington Heights Connector Metrorail project.

URS will provide preliminary engineering, final design services, inspection and engineering services, as well as act as construction manager on this project.

#### II. PRESENT SITUATION

The State of Florida has pledged \$100 million towards this project. The remaining cost of \$240 million will be funded from the PTP Surtax.

Six (6) companies responded to the Notice to Professional Consultants (NTP). Five (5) of these companies were found to be both responsive and responsible bidders. The selection committee ranked URS as the top respondent.

URS has provided similar consulting services for Miami-Dade County on the Miami International Airport (MIA) Fourth (4<sup>th</sup>) Runway project and is currently the County's Prime Consultant/Construction Manager for the Performing Arts Center.

#### III. POLICY CHANGE AND IMPLICATION

None

#### IV. ECONOMIC IMPACT

\$17,929,994

The funding breakdown for this project is: 70% PTP / 30% FDOT.

#### V. COMMENTS AND QUESTIONS

**Attachment 1:** Table of current Consulting Contracts for Metrorail Corridors.

**Attachment 2:** *Miami Herald* Article on Consulting Contracts



Attachment 1

Project	Consultant	Services	Amount
North Corridor	Parsons Transportation Group (PTG)	Preliminary Engineering Design Services	\$15 million
East/West Corridor	BNTB Corp.	Preliminary Consultant and Engineering Services	\$20.0 million
MCI/ Eastington Heights	URS Corp.	Preliminary engineering, final design services, inspection and engineering services, as well as act as construction manager	\$17.0 million
* Metro Program Consultant	Parsons Brinkerhoff Quade & Douglas	Coordination of all projects	\$84 million
		<b>Total</b>	<b>\$146.0 million</b>

\* Has not been approved by the BCC yet.

Attachment 2

Miami Herald, The (TH)

December 2, 2004

'SUPERCONSULTANT' PICKED FOR METRORAIL

Author: LARRY LEBOWITZ, [llebowitz@herald.com](mailto:llebowitz@herald.com)

Editor: Final

Section: Metro & State

Page: 5B

Estimated printed pages: 3

Article Text

One of the nation's largest engineering firms Wednesday emerged victorious in the fight to become Miami-Dade County's Metrorail expansion "superconsultant" in a deal that could be worth up to \$54 million over the next seven years.

A county selection committee Wednesday recommended a team of 15 firms headed by Parsons Brinckerhoff Queda & Douglas to help Miami-Dade Transit make the first substantive additions to the underperforming rail system since it opened two decades ago.

Before they could win the package, however, Parsons Brinckerhoff executives had to assure committee members that high-profile problems they had suffered with public jobs in Boston, St. Louis and Los Angeles were isolated, complicated situations - and that no one who worked on those projects would wind up working in Miami-Dade.

COMMISSION VOTE

If the county commission agrees to the panel's choice, Parsons Brinckerhoff will provide Transit with additional staff to help engineer, design, inspect, acquire rights-of-way, mitigate environmental damage along the proposed new rail corridors and try to persuade federal bureaucrats to pony up billions of matching dollars to pay for the program.

The proposed Metrorail expansion - and the consulting contract - is made possible by the passage in 2002 of a half-cent sales tax for mass transit.

"Our team can help you tremendously in safeguarding the public trust," William Asido, Parsons Brinckerhoff's leading executive in Miami, said minutes before his firm was picked.

County Manager George Burgeys will now negotiate the contract terms and bring them to the county commission for consideration by late spring.

March 1, 2005

4. উদ্ভিদ কে কৃষক বলে

ISSUE FOR ALVAREZ

The decision comes at a time when new Mayor Carlos Alvarez says his highest priority is taking power over contract awards away from the county commission.

Surface Transportation Manager Carlos Bonzon says he worked with the Inspector General's Office to keep overt lobbying out of the process.

Bonzon tried to structure the transit contract to assure that Miami-Dade maintains complete control over the consultants and avoids a repeat of the lobbying and minority set-aside controversies that have dogged a similarly large contract with Dade Aviation Consultants at the airport.

The eventual selection of Parsons Brinckerhoff - and its team members, including DMJM/Harris, Spillis Candela, PBS&J and EAC Consulting - was virtually uncontested.

Three other teams originally competed for the contract. Two teams were eliminated by county staff at the outset, for failing to comply with the extensive proposal requirements, minority hiring thresholds and background checks.

The only other serious competitor, the second team of 22 firms headed by the similarly named but unrelated Parsons Transportation Group and engineering giant URS, bowed out Nov. 14 after both firms landed other lucrative Metrolink contracts.

Parsons Transportation will be lead designer on the proposed \$1 billion North Corridor that would run up Northwest 27th Avenue from Martin Luther King station to the Broward line near Pro Player Stadium.

URS landed the same role for the already funded \$260 million Metrolink spur that will be built from Boringdon Heights station to the Miami International Center under construction near the airport.

## SOME CONTROVERSIES

Parsons Brinckerhoff has a solid local reputation, but has run into serious, well-documented controversies with the \$14.6 billion Big Dig project in Boston, two transit projects in Los Angeles and a rail expansion in St. Louis that led to dueling lawsuits.

Ando and Parsons Brinckerhoff President William D. Smith thoroughly defended the firm's reputation, giving the selection committee a detailed explanation of their version of exactly what went wrong in all three communities.

Borzon and Miami-Dade Transit Director Roosevelt Bradley said they were satisfied.

"There's no problem recommending this firm to take us into the future," Bradley said.

Copyright (c) 2004 The Miami Herald  
Record Number: 0412030427

[illegible]

## LEGISLATIVE ANALYSIS

*7(M)(1)(A) RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF CORAL GABLES FOR A PARKING LOT NEXT TO BROTHERS TO THE RESCUE PARK*

*7(M)(1)(B) RESOLUTION AUTHORIZING AN AGREEMENT FOR CONSTRUCTION OF PARKING IMPROVEMENTS WITH THE CORAL GABLES POLICE BENEVOLENT ASSOCIATION FOR PARKING TO SERVE BROTHERS TO THE RESCUE PARK*

Park and Recreation Department

### I. SUMMARY

Item 7(M)(1)(A) authorizes the county manager to execute an Interlocal Agreement with the City of Coral Gables to allow the County to sublease from the Coral Gables Police Benevolent Association (PBA) a swath of land next to Brothers of the Rescue Park to build an 80-space parking lot for park visitors.

Item 7(M)(1)(B) authorizes the manager to execute an agreement with the PBA to construct the parking lot for the Brothers to the Rescue Park, and waives formal bid and bid protest procedures and the provisions of Administrative Orders 3-15 and 3-38.

### II. PRESENT SITUATION

Brothers of the Rescue Park, 7330 S.W. 24<sup>th</sup> Street, currently has 60 temporary parking spaces on an unpaved lot.

The land on which the proposed lot will be built is currently leased to the Coral Gables Police Benevolent Association (PBA) by the City of Coral Gables. The PBA is in the process of developing the site adjacent to the proposed lot and has agreed to build the parking lot for the County.

As part of a previous agreement with the Waterways Homeowners Association, the City of Coral Gables promised to allow the County to construct 80 parking spaces on the PBA land.

### III. POLICY CHANGE AND IMPLICATION

This Interlocal Agreement will allow the County to sublease the land for the parking lots from the PBA for a term that would expire June 30, 2032. The sublease could then be renewed by the PBA. However, it is the intent of the Waterway Agreement to allow the County to use the 80 parking spaces for as long as the County operates the adjoining park.

**BCC ITEMS 7(M)(1)(A), 7(M)(1)(B)**

**March 1, 2005**

Pursuant to the agreement, the County will be responsible for the maintenance, repairs and security of the parking lot.

Because the PBA has agreed to build the parking lot for the County and will use PBA's master developer, it is necessary to waive formal bid and bid protest procedures and Administrative Orders 3-15 and 3-38.

**IV. ECONOMIC IMPACT**

The County will pay the PBA \$220,000 to construct the parking lot. Funding will come from Capital Outlay Reserve Funding (CORF).

**V. COMMENTS AND QUESTIONS**

According to Park and Recreation staff, it is more efficient and cost effective to use the PBA master developer as opposed to putting the project out to bid because the PBA is currently developing the site adjoining the proposed parking lot.

- It is estimated that the County will save a minimum \$100,000 by using the PBA master developer.

7(M)(1)(B) was amended at the committee level to clearly state that the County will have priority use of the parking facilities for park patrons.

## LEGISLATIVE ANALYSIS

### *NEW ADMINISTRATIVE ORDER 7-40 PERTAINING TO COMMUNITY MENTORING INITIATIVE*

County Manager

#### I. SUMMARY

This Administrative Order establishes rules and procedures by which county employees could use up to five administrative leave hours per month (one hour per week) to participate in volunteer school or community activities.

#### II. PRESENT SITUATION

Currently, the county sanctions eight uses of administrative leave which include, but are not limited to: applying for county positions; time off with pay for those who have worked in excess of their normal work schedule; extreme weather conditions; physical examinations; citizenship examinations; and National Guard service.

#### III. POLICY CHANGE AND IMPLICATION

This administrative order would allow county employees, pursuant to department director approval, to use up to one hour of administrative leave per week, up to five hours per month, to participate in mentoring programs.

Approved mentoring programs include those for school students (Kindergarten age and older), elder care services, preparation or delivery of meals, feeding the hungry, adult literacy programs, coaching for local school or community youth recreational sports, or working with civic organizations involved with community service.

##### Program highlights:

- Employee must submit "Application to Participate in Miami-Dade County Community Mentoring Initiative," and supporting documentation to department director. Each October, employee must resubmit application.
- Each department director is responsible for approving mentoring requests
- Employee **cannot** be granted leave **solely** to mentor his/her own children, or do volunteer work related to daycare programs.
- Department directors will submit quarterly reports to Employee Relations Department Director detailing department's employee participation in mentoring programs.

March 1, 2005

#### IV. ECONOMIC IMPACT

No fiscal impact can be determined. At committee level, it was discussed that a loss of productivity may result in departments where many employees are interested in taking advantage of outside mentoring opportunities.

#### V. COMMENTS AND QUESTIONS

None.

## LEGISLATIVE ANALYSIS

### *RESOLUTION REQUESTING COUNTY MANAGER TO DIRECT MIAMI-DADE POLICE DEPT. TO DEVELOP POLICY RELATING TO USE OF TASERS*

Dr. Barbara Carey-Shuler  
Commissioner Barbara J. Jordan  
Commissioner Dorrin D. Rolle

#### I. SUMMARY

This resolution requests the County Manager to direct the Miami-Dade Police Department to develop a comprehensive policy addressing the use of Tasers. The department will also be directed to provide language where the use of tasers on minors will be refrained from with the exception of life-threatening situations.

#### II. PRESENT SITUATION

Tasers are being purchased and used by law enforcement and police departments across the country. Taser International has been a pioneer in the market of providing an alternative to guns with advanced, non-lethal devices for the use of law enforcement, self-defense, and other personal defense markets.

Taser International, Inc. has been given great support through medical studies agreeing taser guns are the safest, most effective mechanism for law enforcement. Since 1993, Taser International has proudly promoted their name, product, and theme of "Saving Lives Everyday". However, over the last year, Taser International has been under turmoil in the media for being associated with injuries and lives lost instead of lives saved from their products.

The use of taser guns in Miami-Dade County has become a hot issue after two major incidents involving the Miami-Dade Police Department. In the last six months, much discussion has evolved around the Taser policy for the Miami-Dade Police Department after a 6-year-old and a 12-year-old were tased by officers. In addition to the incidents that have taken place here in Miami-Dade County, there have also been many episodes around the country linking Tasers to critical circumstances and major headlines in the media. Last week, the proposal to ban the use of taser guns in Florida schools was delayed in the senate as more discussion materializes for a statewide policy on the weapons.

#### III. POLICY CHANGE AND IMPLICATION

- **Attachment #1-** The projected modifications to the Taser policy have been provided.
  - The attachment compares the current Taser policy and the revised Taser policy for the Miami-Dade Police Department.



- **Attachment #2** - The full version of the current Miami-Dade Police Department Taser Policy.
- **Attachment #3**- The full version of the revised Miami-Dade Police Department Taser Policy.

#### IV. ECONOMIC IMPACT

N/A

#### V. COMMENTS AND QUESTIONS

This resolution *emphasizes the Miami-Dade Police Department will refrain from use of Tasers on minors except in situations where there is an actual threat to the life of the minor, the police officer, or the public.*

- There may be a conflict for officers in how they should respond during life-threatening events with minors:
  - The conflict may come when officers are faced with whether they should use Tasers during life-threatening circumstances or
  - Whether they should use other means of force (including the use of deadly force) to protect themselves and others from life-threatening circumstances.
- Can the Miami-Dade Police Department further address how officers will be reprimanded for not complying with this policy?
- Will the Miami-Dade Police Department have a supervising officer designated and responsible for the compliance and oversight of Tasers and their policy?

**Attachment #4**- A report from the Miami-Dade Community Relations Board (CRB) Task Force.

- On November 29, 2004 the Miami-Dade Police Department met with the CRB Task Force. This report lays out recommendations they feel the Miami-Dade Police Department should consider while revising their Taser policy.

(Note: these are concerns the CRB Task Force deem as being priority.)

## MDPD Taser Policy Comparison

## Attachment #1

CURRENT	REVISED
<b>Training</b>	<b>Training</b>
Only those employees who have completed the approved Taser User certification may use the Taser.	Same
<b>Deployment Policy</b>	<b>Deployment Policy</b>
- In an arrest situation where a subject is escalating resistance from passive to energy-enhanced passive resistance - when the subject is exhibiting threatening body language associated with verbal threats, or threatening body language and refusing to comply with officer's instructions.	- In an arrest situation where the subject is escalating resistance from passive physical resistance towards active physical resistance. (the policy does not define "passive" physical resistance)
	- Consider subject/officer factors such as age, size, weight and the subject's apparent ability to harm himself or others, balanced against the seriousness of the incident.
	- Primary purpose is to prevent continuing escalating subject resistance or violence and to minimize injury to both the subject and officer. Not to be used as a tool of coercion or to intimidate an individual into compliance with directives by an officer.
	- Prior to deployment, take into account environmental factors, such as subjects standing on or near the edge of a roof, stairs, window or body of water.
	- When a subject is exhibiting threatening body language associated with verbal threats (e.g. assuming a boxer-stance, circling the officer) or refusing to comply with officer instructions and the subject has the apparent ability to physically challenge the officer.
	- When a subject makes physically evasive movements to defeat an officer's attempt at control (e.g. attempts to kick, push, or pull away; not allowing the officer to get close to him/her)
	- When a subject makes overt, hostile attacking movements which may cause injury (but not likely to cause death or great harm) to the officer or others.
	- When a subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others.
	- When lesser force options are ineffective.
	- <u>Handcuffed subjects</u> shall not be tased unless the subject is exhibiting aggressive physical resistance.
	- <u>Fleeing subjects</u> , who are subject to arrest, should be predicated upon the subject exhibiting active physical resistance. To deploy a Taser on a fleeing subject whom officers are taking into custody pursuant to the Baker Act should be predicated upon the subject clearly exhibiting behavior that would (or apparent ability to) cause harm to themselves or others.
	- Utilizing <u>repetitive cycles</u> shall be predicated upon the following: subject continues to exhibit active physical resistance, subject refuses to follow the officer's commands to stop resisting, and a tactical method is not feasible or could put officer in jeopardy. Notwithstanding the above factors, the attempt by the subject to defeat the Taser connection is sufficient justification for repetitive deployment.
- May be used to neutralize an attack by an animal.	same

# MDPD Taser Policy Comparison

Taser Prohibitions	Taser Prohibitions
- Intentional Taser shots to the face, throat, or groin area	same
- Taser shall not be used on women who are known to be pregnant and/or women who appear to be pregnant.	same
- Taser will not be used in incidents where self-defense spray has been deployed.	same
- The Taser dataport cover will not be removed unless the Taser is being charged or downloading information.	same
	- Taser shall not be deployed on subjects in physical control of a motor vehicle while the engine is running.
	- Officers shall not utilize Tasers or its accessories not approved and issued by the training bureau.

12/07/04 TUE 11:04 FAX 305 715 5053

TRAINING BUREAU

002

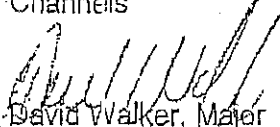
METRO-DADEPOLICE.MIL.NGT

## MEMORANDUM

471 2537  
SP/Barry  
For your FilesTO: Carlos Alvarez, Director  
Miami-Dade Police Department

DATE: April 3, 2003

VIA: Channels

SUBJECT: Procedures for Use of the  
Advanced M26 TaserFROM:   
David Walker, Major  
Training BureauRECOMMENDATION:

That the following procedures be adopted and taught in the training program regarding the utilization of the M26 Advanced Taser, which was recently approved for testing and evaluation by the Miami-Dade Police Department (MDPD).

BACKGROUND:

On March 20, 2003, the Advanced M26 Taser was approved as a non-deadly force option to be tested and evaluated by MDPD (see attachment). Sworn personnel of the rank of Sergeant and above, who have been trained and certified in an approved Taser user certification course, will be authorized to carry and utilize the Advanced M26 Taser during a 90-day test and evaluation period. It is paramount that policies and procedures be established and implemented to ensure the safe operation, aftercare, maintenance, and proper deployment of the Taser by departmental personnel. The following proposed procedures will provide the necessary guidance for sworn personnel certified in the use of the Taser:

PROCEDURES FOR USE OF THE ADVANCED M26 TASERDEFINITION:

Non-deadly Force: Less-than-lethal force or a quality or quantity of force that is neither likely nor intended to cause death or serious physical injury. Non-deadly force normally includes the use of physical strength or skill, chemical agents, the defensive police baton, Lateral Vascular Neck Restraint (LVNR), the Advanced M26 Taser, or any other departmentally approved less-than-lethal device or technique.

ADVANCED M26 TASER:

Only sworn personnel who have completed the approved Taser User certification training will utilize the Advanced M26 Taser. Personnel are required to demonstrate proficiency during the training course and must attend annual re-certification training to maintain their user certification.

Carlos Alvarez, Director

April 3, 2003

I. Advanced M26 Taser Deployment:

Departmental personnel who utilize the Advanced M26 Taser will follow these procedures:

- A. An officer's decision to deploy the Taser shall involve an arrest situation wherein the subject is escalating their resistance from passive toward an **energized, enhanced, passive physical resistance**. Energy-enhanced passive resistance occurs when the subject is exhibiting threatening body language associated with verbal threats, or threatening body language associated with the subject refusing to comply with the officer's instructions.
- B. The Taser can also be used to neutralize an attack by an animal. In the event an animal is struck with the Taser, the Miami-Dade Animal Services Unit will be requested to the scene.

II. Advanced M26 Taser Aftercare Procedures:

- A. Departmental personnel will adhere to the following procedures when deployment of the weapon impacts with a subject:
  - 1. Once the subject is handcuffed and in custody, the officer(s) shall advise the police dispatcher that the subject has been impacted by the Advanced Taser and request that a supervisor respond to the scene.
  - 2. Only Taser user certified officers will remove the probes, using departmentally issued safety gloves, and if needed will apply a band-aid to the effected area. A Taser user certified female officer should be utilized to remove probes that strike a female whenever practicable.
  - 3. In the event a Taser probe strikes a subject's facial or groin area, do not remove it and request Fire-Rescue to respond. After being attended by Fire-Rescue personnel, the subject will be transported to Ward D as soon as practical for treatment by medical personnel.
  - 4. Any prisoner impacted by the Taser probes shall be transported to a detention facility via Ward D.

Carlos Alvarez, Director

April 3, 2003

B. Documentation and Photographs:

1. The probes and Taser cartridge(s) will be photographed, displaying the serial number of the cartridge, and the photograph(s) shall be attached to the Supervisor's Report of Use of Force to Control.
2. A Taser Usage Report shall be completed, with a copy of the Supervisor's Report of Use of Force to Control attached, and forwarded to the Training Bureau, Physical Skills Unit.
3. The used probes and safety gloves will be treated as biohazard material. The probe(s) shall be inserted point first back into the ports of the air cartridge. The cartridge ports will then be sealed with tape and placed in a biohazard bag. Procedures outlined in Chapter 19 – Part 1 – Impounded Property, Section 2, Paragraph G, Biohazardous Evidence, shall be followed.

C. Taser User Responsibilities:

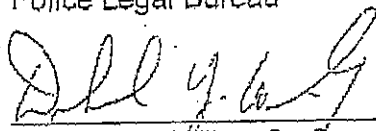
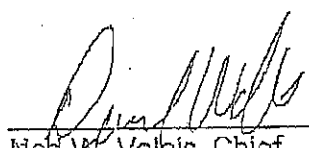
1. Personnel equipped with the Taser will ensure proper operation by testing the Taser with the Air Cartridge *DETACHED* at the beginning of each shift.
2. All Taser activations will be logged in the M26 Taser Usage Log.
3. The Taser can ignite flammable liquids or fumes; therefore, do not discharge the Taser near flammable liquids or fumes. Taser will not be used in incidents where self-defense spray has been deployed.
4. Pregnancy: The Taser shall not be used on women who are known to be pregnant and/or women who appear to be pregnant.
5. Only Department issued Taser batteries will be used and they shall be charged at least once a week.
6. Announcement of the code word "ALERT" to alert other officers prior to deploying the Taser.

Carlos Alvarez, Director

April 3, 2003

7. Announcement of the code word "CLEAR" to alert other officers prior to approaching the subject to affect an arrest.
8. Prior to deploying the Taser, a verbal warning will be announced to the subject when reasonable and the issuance of the warning will not compromise officer safety.
9. Intentional Taser shots to the face, throat, or groin area are prohibited.
10. The Taser dataport cover will not be removed unless the Taser is being charged or downloaded for information.

REVIEWED BY:

  
George Aylesworth, Major  
Police Legal Bureau  
Deborah Y. Wiley, Sr. Bureau Commander  
Budget and Planning BureauAPPROVEDDATEDISAPPROVED  
Ned W. Valois, Chief  
Centralized Services Division

4/15/03

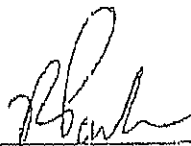
  
Ned W. Valois, Chief  
Centralized Services Division  
Jane Feuer, Assistant Director  
Support Services

4/15/03

  
Jane Feuer, Assistant Director  
Support Services


Carlos Alvarez, Director

April 3, 2003

  
Robert Parker, Assistant Director  
Police Services

4/16/03

Robert Parker, Assistant Director  
Police Services

  
Carlos Alvarez, Director  
Miami-Dade Police Department

4/16/03

Carlos Alvarez, Director  
Miami-Dade Police Department

DW/mb  
Attachment




## Memorandum



Date: December 28, 2004

To: Honorable Carlos Alvarez, Mayor  
Honorable Chairman Joe A. Martinez and Members,  
Board of County Commissioners

From: George M. Burgess  
County Manager 

Subject: Revised Taser Policy

The attached report regarding the deployment of the taser to uniform personnel has been prepared at my request by Director Parker and is provided for your review.

C: Susanne M. Torriente, Assistant County Manager  
Robert Parker, Director, Miami-Dade Police Department

# Memorandum



Date: December 16, 2004

To: George M. Burgess  
County Manager

Susanne M. Torriente  
Assistant County Manager

From: Robert Parker, Director  
Miami-Dade Police Department

Subject: Deployment of the Taser to Uniform Personnel

This is written in response to the Miami-Dade Police Department's (MDPD) mandate to examine and research its departmental procedures pertaining the use of the Taser device.

The Taser, a less lethal weapon, provides another alternative for police officers to effectively control situations in which the probability of escalating violence is eminent. Moreover, the Taser has been shown to significantly reduce injuries to both officers and civilians. Presently, numerous police agencies nationwide, and in the state of Florida, are equipped with the Taser. According to their statistics, these agencies experienced a significant reduction in officer and civilian injuries. Similar common statistics found that when the Orange County Sheriffs Department in Florida and the Seattle Police Department in Washington adopted the Taser in the year 2000, each reported a substantial reduction in officer injuries. In addition, civilian injuries likewise experienced double digit reductions for both of these agencies. MDPD's Taser program spans a 15-month time period where the Taser device has been used on a limited basis. This phase-in program initially began with Tasers being assigned to approximately 72 Sergeants. The program was expanded to police officers and now approximately 15% of department personnel are assigned devices, to date. Subsequently, the Miami-Dade Police Department experienced a 32.8% reduction in subject injury and a 19% reduction in officer injury since the Taser program was implemented in June 2003.

Furthermore, at relatively recent conference of the International Association of Chiefs of Police (IACP) held in Minneapolis, Minnesota, the membership overwhelmingly agreed that the Taser is an effective tool in controlling subject resistance. Importantly, the membership also determined that the Taser was a valuable tool in diffusing the escalation of violence, and minimizing injuries to the subject and officer.

Capitalizing on this information, the MDPD carefully initiated a Taser program, which consisted of the following:

- MDPD (Training Bureau) researched the effects and capabilities of the Taser prior to initiating a pilot program;
- On March 20, 2003, the Taser was approved as a non-deadly force option to be tested and evaluated by MDPD;
- The policies and procedures for MDPD use of the Taser were adopted and approved on April 16, 2003 (Revised December 2004);
- On June 3, 2003, sworn personnel of the rank of Sergeant and above, who had been trained and certified in an approved Taser user certification course, were authorized to carry and utilize the Taser during a 90-day test and evaluation period;
- On October 10, 2003, after the successful completion of the test and evaluation of the Taser, it was approved as a non-deadly force option for all MDPD sworn personnel trained in the use of the Taser;

Honorable Chairman Joe A. Martinez and Members,  
Board of County Commissioners  
December 16, 2004  
Page 2

- Resultant from the test and evaluation findings, the Training Bureau, Physical Skills Unit, conducted a thorough and comprehensive review of the existing Taser policies and procedures, revising the procedures on July 2004.

In addition, the MDPD enacted a steering committee, comprised of experienced law enforcement professionals. Consequently, this committee was tasked to review and enhance the existing MDPD procedures concerning Taser utilization. As a result, in enhancing MDPD's existing Taser policy and procedures, the steering committee:

- Gathered additional knowledge and obtained existing policies from other police agencies and organizations to make comparisons and possible incorporation into MDPD's existing Taser policy;
- Contacted professionals from the medical and mental health fields to solicit their input;
- Met with members of the Community Relations Board to hear their input related to the Community's concerns.

As a result of the aforementioned, the newly revised MDPD Taser procedures are attached for your review. A special focus was placed on accountability by threading the following categories within the procedures:

- Taser user responsibilities
- Supervisor responsibilities
- Taser prohibitions and deployment criteria

To date, 622 MDPD sworn personnel have been certified and trained to carry the Taser and the revised procedures will be distributed to these officers. Equally important, the immediate supervisor in charge of employees who are equipped with a Taser will be responsible, and held accountable, for ensuring that the revised policy is being adhered to. Additionally, any future training classes associated with the Taser will incorporate the revised procedures into the curricula. The next phase of Taser training will consist of the Field Training Officers and Field Training supervisors. A specific course detailing the enhanced Taser procedure, use of force continuum, and supervisory responsibilities will be offered in January 2005 to all sworn supervisory personnel of the rank of Sergeant and higher classifications.

It is the Department's position that the attached document is both comprehensive and appropriately detailed in its nature. The Taser procedures carefully balance the needs of various important stakeholders representing our community without compromising the safety of our police officers. Finally, in order to ensure that MDPD's Taser policy and procedures are up to date and relevant to any situation affecting our community, the Training Bureau will continually review and properly update Taser procedures as warranted.

RP/mrc/krj  
Attachment

---

MIAMI-DADE POLICE DEPARTMENT  
PROCEDURES FOR USE OF THE TASER  
(Revised December 2004)

I. Departmental Philosophy:

The Miami-Dade Police Department (MDPD) embraces a philosophy, which includes a policy to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Misuse or abuse of Tasers may result in disciplinary action. In so much as the Taser is a less than lethal Conducted Energy Weapon and has proven effective in furtherance of this policy, it is authorized for use in appropriate circumstances by trained personnel.

II. Taser Deployment Policy:

Tasers are issued to officers for utilization to neutralize potentially combative subjects, as an alternative to physical control in arrest or custodial situations. Only those employees who have completed the approved Taser User Certification may utilize the Taser. No policy or guideline can anticipate every situation that officers might face, but in general terms the following deployment procedures are established:

1. An officer's response level to subject resistance should always depend upon subject/officer factors such as age, size, weight, and the subject's apparent ability to physically challenge the officer or do harm to himself or others, balanced against the seriousness of the incident.
2. An officer's decision to deploy the Taser shall involve an arrest or custodial situation wherein the subject is escalating resistance from passive physical resistance towards active physical resistance.
3. The primary purpose in the decision to deploy the Taser is to prevent a continuing escalating subject resistance or violence and to minimize injury to both the officer(s) and subject(s). The Taser shall not be used as a tool of coercion, to intimidate an individual into compliance with simple requests or directives by an officer.
4. Prior to deployment of the Taser, officers must take into consideration environmental factors. These factors, which may contribute to serious injury, include but are not limited to; subjects standing on or near the edge of a roof, stairwells, next to a window or body of water.
5. When the subject is exhibiting threatening body language associated verbal threats, or refusing to comply with the officer's instructions and the subject has the apparent ability to physically challenge the officer. Threatening body language includes but is not limited to:

- a) blading the body
- b) assuming a "boxer stance"

- 
- c) circling the officer
  - d) moving the hands from open to closed forming a fist, etc.
6. When a subject makes physically evasive movements to defeat an officer's attempt at control. This may be in the form of:
- a) bracing or tensing of the body
  - b) attempts to kick, push, or pull away
  - c) not allowing the officer to get close to him/her
7. When a subject makes overt, hostile attacking movements, which may cause injury but are not likely to cause death or great bodily harm to the officer or others.
8. When a subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others.
9. When lesser force options are ineffective.
- A. Handcuffed Subjects: An officer shall not tase an in-custody handcuffed subject except under the following conditions:
- 1. The subject is exhibiting aggressive physical resistance or higher.
- B. Fleeing Subjects:
- 1. An officer's decision to deploy the Taser on all fleeing felons and violent misdemeanants, who are subject to arrest, should be predicated upon the subject exhibiting active physical resistance. A violent misdemeanor is someone who has inflicted or has threatened to inflict physical harm to another person.
  - 2. An officer's decision to deploy a Taser on a fleeing subject whom officers are attempting to take into custody pursuant to the Baker Act should be predicated upon the subject clearly exhibiting behavior that would cause harm to themselves or others and who has the apparent ability to carry out those intentions.
- C. Repetitive Cycle/Multiple Officer Deployments: Officers' decision to deploy the Taser and utilize repetitive cycles shall be predicated upon the following factors:
- 1. The subject continues to exhibit active physical resistance, and
  - 2. The subject refuses to follow the officer's commands to stop resisting, and
  - 3. A tactical method is not feasible or could place the officer in jeopardy.
  - 4. Notwithstanding the above, the attempt by the subject to defeat the Taser connection is sufficient justification for repetitive cycle deployment.

- D. Taser Deployments on Animals: The Taser can also be used to neutralize an attack by an animal. In the event an animal is struck with the Taser, the Miami-Dade Animal Services Unit will be requested to respond to the scene.

### III. Taser Aftercare Procedures:

- A. Departmental personnel will adhere to the following procedures when deployment of the weapon probes or drive stuns impacts a subject.
1. Once the subject is handcuffed and in custody, the officer(s) shall advise the police dispatcher that the subject has been probed or drive stunned by the Taser and request that a supervisor respond to the scene.
  2. Only Taser user certified officers will remove the probes, using departmentally issued safety gloves, and if needed will apply a band-aid to the effected area. A Taser user certified female officer should be utilized to remove probes that strike a female whenever practicable.
  3. In the event a Taser probe strikes a subject's facial or groin area, officers should not attempt to remove it, but request Fire-Rescue to respond. After being treated by Fire-Rescue personnel, the subject will be transported to Ward D. Juveniles will be processed in accordance with Chapter 26, Part 1, V. Custodial Procedures, B. Juveniles in Need of Medical Attention.
  4. Any prisoner impacted by the Taser probes shall be transported to a detention facility via Ward D.
- B. Documentation and Photographs:
1. The Taser cartridge(s) serial number shall be documented in the narrative of the Supervisor's Report of Response to Resistance to Control. Subject or officer injury shall be photographed and attached to the Supervisor's Report of Response to Resistance.
  2. A Taser Usage Report shall be completed, with a copy of the Supervisor's Report of Response to Resistance to Control and shall include a detailed account of the circumstances surrounding the deployment and any additional cycle deployments from the Taser. The Report of Response to Resistance to Control shall be routed according to existing policy.
  3. The expended probes and used safety gloves will be treated as biohazard material. The probe(s) shall be inserted point first back into the ports of the air cartridge. The cartridge ports will then be sealed with tape and placed in a biohazard bag. The Procedures are outlined in Departmental Manual Chapter 14 – Part 2 – Communicable Diseases II. Procedures, A. General Precautions, 1. Prevention of Infection, Paragraph D., shall be followed.
  4. Investigative entities that determine expended Taser cartridge(s) or probe(s) are of evidentiary value shall follow procedures outlined in Departmental Manual Chapter 19-Part 1., Impounded Property, Section 2, Paragraph G. Biohazard Evidence.

- 
5. Control officers at the affected entities will be responsible for issuing replacement cartridges after Taser users submit completed Taser Usage Reports, and shall forward copies of all Taser Usage Reports to the Training Bureau, Physical Skills Unit.
  6. Records Retention: The affected entities shall keep a file for each Taser containing the monthly logs and downloads. Use of force information shall be included in monthly reports of all Taser generated deployments consistent with records retention procedures.

C. Taser User Responsibilities:

1. All sworn personnel trained in the use of and issued a Taser are required to wear the Taser and have in their possession Taser accessories when working, on duty or an off duty job, in uniform. The Police Director reserves the right to exclude specific officers from the mandatory carrying of the Taser.
2. Personnel equipped with the Taser will ensure proper operation by spark/arc testing the Taser with the Air Cartridge *DETACHED* at the beginning of each shift.
3. Personnel will be responsible for recording all activations of their assigned Taser in the Taser Usage Log and will maintain the log in an up-to-date status at all times.
4. Arrest or custodial situations that generate subject compliance by deploying either the Taser's laser beam or engaging the trigger for a visual spark deterrent will require a Taser Usage Report. The report will be forwarded to the Training Bureau, Physical Skills Unit, no later than the conclusion of the officer (s) work shift.
5. Personnel assigned the M-26 model shall charge the batteries at least once a week.
6. Prior to deploying the Taser, a verbal warning will be announced to the subject when reasonable and the issuance of the warning will not compromise officer safety and/or the safety of others.
7. An officer deploying the Taser shall announce the word "TASER" to alert other officers prior to deploying the Taser.
8. An officer deploying the Taser shall announce the code word "CLEAR" to alert other officers prior to approaching the subject to affect an arrest.

D. Supervisor Responsibilities:

1. When a Taser is discharged, concurrent with the Supervisor's Report of Response to Resistance to Control, the supervisor shall ensure that a datanort download is conducted at that time for comparison with the

information in the report. A supervisor of the rank of lieutenant or higher shall review and initial the dataport download, Taser Usage Report, and Supervisor's Report of Response to Resistance to Control to ensure that all documentation is consistent and accurate.

2. Districts, Bureaus, and Sections having assigned Tasers shall conduct periodic dataport downloads on each Taser. Scheduling of the individual downloads will be at the discretion of the affected Commander, but shall be conducted every month. A supervisor of the rank of lieutenant or higher shall review the dataport downloads and ensure that the readout information from each Taser download matches the Taser Usage Log issued to the officer. Any discrepancies, which cannot be resolved at the District/Bureau level, shall be forwarded to the Professional Compliance Bureau.
3. A supervisor of the rank of sergeant (not an acting rank) or higher will review and initial each entry recorded in the Taser Usage Log for accountability purposes.

#### E. Taser Prohibitions:

1. The Taser can ignite flammable liquids or fumes; therefore, officers should not discharge the Taser near flammable liquids or fumes. The Taser will not be used in incidents where self-defense spray has been deployed.
2. The Taser shall not be deployed on subject(s) in physical control of a motor vehicle while the engine is running.
3. The Taser shall not be used on women who are known to be pregnant and/or women who appear to be pregnant.
4. Intentional Taser shots to the face, throat, or groin area are prohibited.
5. The Taser dataport cover will not be removed unless the Taser is being charged or downloaded for information.
6. Officers shall not utilize Tasers or Taser accessories not approved and issued by the Training Bureau.

#### IV. Definitions:

Taser: A less lethal Conducted Energy Weapon designed to conduct and deliver battery-powered energy of which when deployed upon an individual causes Electro-Muscular Disruption (EMD) to a person's sensory and motor functions within the central nervous system.

Passive Physical Resistance: A subject physically refuses to comply or respond. He or she does not make any attempt to physically defeat the actions of the officer but forces the officer to employ physical maneuvers to establish control. (Definition from Florida Department of Law Enforcement (FDLE))



---

Escalating from Passive Physical Resistance to Active Physical Resistance: Escalating from passive physical resistance toward active physical resistance occurs when the subject is exhibiting threatening body language (which is including but not limited to blading the body, assuming a boxer stance, circling the officer, moving the hands from open to closed forming a fist, etc.) associated with verbal threats, or refusing to comply with the officer's instructions and the apparent ability to physically challenge the officer.

Active Physical Resistance: A subject makes physically evasive movements to defeat an officer's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the officer to get close to him/her. (Definition from FDLE)

Aggressive Physical Resistance: A subject makes overt hostile attacking movements, which may cause injury but are not likely to cause death or great bodily harm to the officer or others. (Definition from FDLE)

Aggravated Physical Resistance: A subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others. (Definition from FDLE)

Non-deadly Force: Less-than-lethal force or a quality or quantity of force that is neither likely nor intended to cause death or serious physical injury. Non-deadly force normally includes the use of physical strength or skill, chemical agents, the defensive police baton, Lateral Vascular Neck Restraint (LVNR), the Taser, or any other departmentally approved less-than-lethal device or technique.

Taser User Certified: Only personnel who have satisfactorily completed the Department's 8-hour training course shall be authorized to carry and utilize the Taser. Authorized personnel shall complete a prescribed departmental annual refresher course.

MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD  
Community Input on  
Miami-Dade Police Policies and Procedures for the Use of Tasers  
December 14, 2004

BACKGROUND

The primary mission of the Community Relations Board is to intervene and contain, as quickly as possible, community tensions. The Community Relations Board also works proactively to identify and relieve intergroup conflicts before crisis arise and to develop bridges of understanding, communication, and mutual respect. The CRB Police and Community Relations Task Force brings together law enforcement executives and community leaders of good will to establish an agenda for enhanced relations. The Task Force provides a "safe space" for law enforcement to work with other concerned interests in a spirit of cooperation and mutual respect. The objective is to develop consensus around mutually agreed upon responses to the range of community and law enforcement issues and perceptions. The goal is to make Miami-Dade County a safer and more just community for residents and law enforcement alike.

County Manager George Burgess has asked the Miami-Dade Police Department to reach out to the CRB as the department reviews its policies and develops comprehensive standard operating procedures for the use of taser technology. As the County Manager stated: "The CRB has been both a vocal advocate of this relatively new technology as an alternative means to deadly force and a community resource in mediating issues between Miami-Dade Police and the community." The CRB Executive Committee and its Chair, Mr. Pedro Freyre, charged the CRB Police and Community Relations Task Force to apply its expertise and assistance to provide input to the MDPD for the development and implementation of effective taser policies and practices that are consistent with community needs and expectations.

On November 29, 2004 the Miami-Dade Police Department presented to members of the CRB and its Police and Community Relations Task Force an orientation on taser technology and its use by the MDPD. More than forty individuals participated, including law enforcement representatives from the County and several municipal police departments, community activists and five members of the CRB, including the Vice Chair Ms. Joanne Harvest Koren. On December 8, 2004, Task Force members received electronic versions of the draft MDPD taser policy and a sample policy currently being implemented in the City of Aventura that addresses taser use on children and other issues. On December 9, 2004, the CRB Police and Community Relations Task Force met to discuss recommendations on the Miami-Dade Police Department's draft Procedures For Use of the Taser. Copies of taser policies from the cities of Aventura, Miami, Miami Beach and North Miami Beach were also distributed during the meeting and electronic versions were e-mailed to members that afternoon. Task Force members were invited to provide input by Friday, December 10, 2004 in order to ensure timely submission to the department.

## RECOMMENDATIONS/COMMENTS

The Miami-Dade Community Relations Board, through its Police and Community Relations Task Force and Task Force Chair Mr. Jorge Mursuli, respectfully submits the following comments and recommendations for the development and implementation of effective taser policies and practices that are consistent with community needs and expectations. Recommendations/Comments are submitted under two categories: **PRIORITY**, which are determined by the leadership of the CRB Police and Community Relations Task Force to be most significant and **INDIVIDUAL RESPONSES**, which include an overview of the discussion of taser policies that occurred at the December 9, 2004 Task Force meeting and the written and telephone input provided by Task Force members to staff.

### PRIORITY

During this process, it has become apparent that there is much new information from multiple sources that will be available in the future about the safety and efficacy of taser technology. The CRB should continue to be provided an opportunity for input as this new information is received and interpreted. We would like to continue to educate ourselves and provide the County and the community with a more evolved perspective.

Comments and recommendations are presented under relevant headings provided in the MDPD's *DRAFT PROCEDURES FOR USE OF THE TASER*. CRB recommendations and comments are bulleted.

### DEFINITIONS

- The reference to "less than lethal" should be changed to "less lethal" in order to enhance public trust and be consistent with the current level of understanding on the lethality of the technology.

#### *1. Taser Deployment Procedures*

##### *A.*

- Passive physical resistance is not sufficient cause for use of the taser.
- Tasers should be used only as an alternative to violence.
- The policy should include the following admonitions:  
The taser may be used when:
  1. The suspect is punching, kicking, or physically resisting, obstructing or opposing an officer;
  2. The suspect is threatening to punch, kick, or physically harm a police officer;

3. Lesser force options are ineffective;
4. The officer reasonably believes that the suspect poses a credible threat to himself/herself or others;
5. The suspect poses a threat from a distance and the officer is at risk of injury if he/she attempts to close the gap.
6. Other considerations of deployment include:
  - a. Imminent threat of the suspect to the officer or others;
  - b. Suspect actively resisting arrest;
  - c. Severity of the crime at issue;
  - d. Attempt by the suspect to evade apprehension by flight.
7. Officer/Suspect Factors that should be considered:
  - (a) Age: The taser should not be used on any juvenile under the age of 12 and/or a juvenile who appears to be physically under the age of 12.
  - (b) Pregnancy: The taser should not be used on females who are known to be pregnant and/or who appear to be pregnant.
  - (c) Number of suspects and number of Officers;
  - (d) Relative strength of Officers vs. the Suspect(s)
8. Special Considerations:
  - a. Closeness or possession of a weapon by the suspect;
  - b. Injury or exhaustion of an officer;
  - c. Officer on the ground;
  - d. Distance between the officer and the suspect;
  - e. Special knowledge relative to the suspect;
  - f. Availability of other options.

- Tasers shall not be used on a pregnant female, young children or an elderly person, unless deadly force is justified.
- Tasers shall not be used on a person thought to be mentally ill except upon approval of a trained mental health professional or police officer especially trained in mental health crisis intervention who is on the scene and only as an alternative to deadly or serious use of force.

C.

- The use of the term "Baker Act" to describe a mentally ill person is insensitive and lacks empathy. Such usage may tend to encourage, or at best fails to reinforce prohibitions on, disrespectful or abusive behavior by police against individuals believed to be mentally ill.

D. *Repetitive Cycle Deployment*

- Repeated deployments are justified only when the suspect presents an imminent threat of serious harm to themselves or others.

## *II. Taser Aftercare Procedures:*

### *B. Documentation and Photographs*

- In all cases, a deployed cartridge and probes shall be placed in a plastic evidence bag, which is then sealed and turned over to the on-duty patrol supervisor. The supervisor shall then turn over the expended cartridge to the Taser Program Supervisor.

### *C. Taser User Responsibilities*

- Strongly support policy 5: Prior to deploying the Taser, a verbal warning will be announced to the subject when reasonable and the issuance of the warning will not compromise officer safety and/or the safety of others.

### *D. Supervisory Responsibilities*

- MDPD is encouraged to create a Taser Program Supervisor  
The Director shall appoint an executive level police commander to act as the Taser Program Supervisor (TPS). The TPS shall report directly to the Director or Assistance Director on any problems, concerns or issues involving the tasers.

The TPS shall be required to be trained as a Taser Instructor prior to assuming the position. The TPS shall have the authority to delegate duties to the Taser Program Instructors as needed.

The TPS shall be required to maintain all documents, records and other items that pertain to the tasers and their related equipment. The TPS shall also oversee the re-issuing of expendable equipment and taking in equipment in need of repair. All equipment in need of repair shall be sent out to the appropriate location for report and return to the department.

The TPS shall be responsible for ensuring that all cartridges purchased by the department are logged in via bar code scanner that cartridge issued to an officer, are scanned out as issued to that officer and that deployed cartridges and returned to the TPS in order to show date of use and case number.

THE TPS shall be responsible for reviewing all Response to Resistance reports wherein a taser has been deployed against a subject. When a Division Commander receives a Response to Resistance report regarding the Taser, the Commander will make a copy of the cover sheet noting the date the report was assigned to the TPS. The TPS shall review the report and all other related documents to determine if all procedures have been followed and that the date and time of deployment for the taser correlate with the information contained in the reports and/or documents. Once reviewed the TPS shall issue a memo that states that all the information and/or procedures have been followed and /or are correct or explain inconsistencies

found. This memo along with the reports and documents shall be provided to the Division Commander for review and to the Assistant Director or Director.

All completed reports, once reviewed by the chain of Command shall be turned into the Commander in charge of Internal Affairs for retention.

#### Other Priority Comments/Suggestions

- There needs to be a high level commander reporting to the Director or Assistant Director who is responsible for monitoring and overseeing the MDPD taser program; advising the department on the state-of-the-art of the taser technology and for recommending changes/modifications to relevant policies and procedures.
- The consequences for misuse of the taser should be strongly spelled out in the taser policy and disciplinary policies should be strongly enforced.
- Any officer that deploys a taser three or more times in a one year period should be flagged for review of their personnel record including years of service, use of force incidents, citizen complaints and others factors and should be considered for re-training, discipline or dismissal.
- The taser policy should provide incentives for officers not to deploy the technology except as an alternative to deadly force or aggressive physical force.
- MDPD should develop an effective community awareness and education program in consultation with the CRB and other appropriate groups to enhance community understanding and input into the taser program.
- To enhance community relations, MDPD is encouraged to communicate timely and forthrightly with the community about incidents involving the use of tasers and to work with the community to build trust in the taser policies and procedures and the MDPD's commitment to ensure proper use.

## LEGISLATIVE ANALYSIS

### *RESOLUTION RELATING TO A PUBLIC INVOLVEMENT PLAN (PIP) IN ALL CONSTRUCTION CONTRACTS*

Commissioner Sally A. Heyman & Commissioner Carlos A. Gimenez

#### I. SUMMARY

This resolution directs the County Manager to develop a Public Involvement Plan (PIP) process, modeled after a similar plan instituted by the Florida Department of Transportation (FDOT), for all construction projects and Joint Participation Agreements in excess of \$1 million, which may have an impact on the neighboring community.

#### II. PRESENT SITUATION

FDOT implemented a PIP in order to address community concerns in response to the roadway improvement project along SW 8<sup>th</sup> Street in Little Havana.

In accordance with the Federal Transportation Administration's (FAT) policies, some counties utilize their Metropolitan Planning Organization's (MPO) Public Involvement Processes (PIP) regarding transportation projects.

*The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires the metropolitan transportation planning process include a proactive public involvement process in transportation planning and programming in urbanized areas. Public involvement in transportation investment is central to accomplishing the vision of ISTEA. As Metropolitan Planning Organizations have increased authority relative to the programming of federal transportation funds and increased planning responsibilities under ISTEA, this process for public involvement must provide complete information, timely public notice, and support continuing involvement of the public in developing plans and programs.*

The Miami-Dade County MPO currently provides for a Public Involvement Process related to large projects. However, this process focuses more on the planning of projects than on the continuous dissemination of support throughout the actual construction phase of the project.

#### III. POLICY CHANGE AND IMPLICATION

The PIP process may help to keep the community informed and involved throughout the entire planning and construction process.

**BCC ITEM 10(A)(3)**

**March 1, 2005**

Weekly meetings, field offices, e-mailings, or other means of disseminating information to the community may help to diffuse concerns associated with misinformation, rumors, timelines, or a general lack of knowledge as to the benefits of each project.

In researching Public Involvement Plans in other states and communities, the most common reason these plans were developed was for public input during the planning stages of large projects.

This resolution seems to take the PIP process a step further by continuing the support services through the construction phases of the projects.

**IV. ECONOMIC IMPACT**

The annual Fiscal Impact of this type of program is indeterminable.

The fiscal impact associated with this type of plan is dependant on the number of projects, per year, the time and scope of each project, and the extent of the plan offered by the County Manager.

**V. COMMENTS AND QUESTIONS**

None



## LEGISLATIVE ANALYSIS

Item 11B2- *FLORIDA CITY ANNEXATION [SEE AGENDA ITEM NO. 13N]*

Item 13N- *ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THIS ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; SUPERSEDING CONFLICTING PROVISIONS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

County Manager

### I. COMMENTS AND QUESTIONS

- Item 11B2 provides a full report addressing the proposal of a Florida City Annexation. Although, the report may be accepted or denied it is not an action item (Ordinance or Resolution) for the BCC to move on.
- Item 13N is an ordinance changing the boundaries of the city of Florida City. Item 13N is now before the BCC as a first reading item. Although, 11B2 cross references 13N, the acceptance or denial of Item 11B2 (as a report) does not directly influence the outcome of Item 13N (as an ordinance).
- Rule 5.06 section (f) states *[a]ny proposed county ordinance which would directly affect the jurisdiction or the duties of municipalities and their officers shall be brought forward for public hearing no sooner than six (6) weeks after its passage of first reading.*
- On April 12, 2005, Item 13N is scheduled to be heard before the Infrastructure and Land Use Committee in a public hearing.